

SERVED: July 26, 2005

NTSB Order No. EA-5171

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 20th day of July, 2005

_____)	
MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket CP-125
v.)	
)	
DAVID MICHAEL REID,)	
)	
Respondent.)	
_____)	

ORDER DENYING RECONSIDERATION

Respondent has petitioned for reconsideration of our decision in this case, NTSB Order No. EA-5150, served April 4, 2005. In that order we upheld the Administrator's assessment of a \$5,000 civil penalty against respondent, based on his failure to surrender his pilot and medical certificates following an earlier (unappealed) order, dated March 31, 2000, that suspended his pilot certificate for 120 days and revoked his medical certificate. The suspension and revocation were based on his failure to report an alcohol-related motor vehicle action and his falsification of a January 12, 1998, medical application by failing to report a 1997 conviction for driving while intoxicated and a related driver's license suspension.¹ The order of assessment alleged violations of 14 CFR 61.19(f) and 67.415,²

¹ The order of suspension and revocation cited violations of 14 CFR 61.15(e) (which requires reporting of motor vehicle actions to the FAA Civil Aviation Security Division within 60 days after the action) and 67.403(a)(1) (which prohibits the making of false statements on an application for a medical certificate).

² Section 61.19(f) states that a certificate ceases to be effective if it is surrendered, suspended, or revoked. Section

and noted that respondent had received two letters directing him to surrender the suspended and revoked certificates and advising him that if he did not he would be subject to a civil penalty of up to \$1,100 for each day he did not surrender them. We dismiss the petition.

Respondent's petition is untimely and thus subject to dismissal under our rules of practice, which provide that petitions must be filed within 30 days after the date of service of the Board's order, or in this case by May 5, 2005. See 49 CFR 821.59(b). Respondent's petition was dated May 19, 2005, and he provides no reason for its lateness.³

Our rules of practice state, in section 821.11(b), that extensions of time to file petitions for reconsideration shall be granted only in "extraordinary circumstances," a standard we have previously noted is an even more stringent standard than the "good cause" standard we adhere to for untimely appeals and appeal briefs. Administrator v. Windwalker, NTSB Order No. EA-4671, n.2 (1998). Moreover, we note that respondent's petition contains no new argument or information that would affect our earlier decision.⁴

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is dismissed.

ROSENKER, Acting Chairman, and ENGLEMAN CONNERS, HEALING, and HERSMAN, Members of the Board, concurred in the above order.

67.415 states that the holder of a medical certificate that is suspended or revoked shall return it to the Administrator upon request.

³ Respondent filed an earlier document, dated April 20, 2005, titled "Notice of Appeal," which indicated only that he wished to appeal from our order and contained no discussion or argument. Therefore, it cannot be deemed a petition for reconsideration which, under our rules, must state specifically the matters alleged to have been erroneously decided and the grounds relied upon. 49 C.F.R. § 821.50(c).

⁴ The only arguably new information included in respondent's petition is the statement that he was not living at the address to which the FAA sent documents associated with these enforcement proceedings from "mid-1998 to present" because of his separation and divorce. However, respondent readily acknowledges that he, "kept that address as a permanent mailing address," and, indeed, the record shows that he received and responded to many of the documents the FAA sent to him there. (Respondent's petition at p. 4.) Airmen are required by 14 C.F.R. § 61.60 to notify the FAA of any change in their permanent mailing address.